IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 4766 of 2005

Between:

1 Ch. Viswarupachari, S/o. Ch. Veerabrahmachari,
R/o. Bhairavunipadu Village, Macherla Mandal, Guntur District.
2 B. Srinivasa Reddy, S/o. Venkata Reddy,
R/o. Bhairavunipadu Village, Macherla Mandal, Guntur District.
3 Y. Nagaraju, S/o. Pothuraju,
R/o. Bhairavunipadu Village, Macherla Mandal, Guntur District.
4 G. Gopi Reddy, S/o. Vallabha Reddy,
R/o. Bhairavunipadu Village, Macherla Mandal, Guntur District.
5 Yandra Venkateswarlu, S/o. Late Pothuraju,
R/o. Bhairavunipadu Village, Macherla Mandal, Guntur District.
6 G. Yegi Reddy, S/o. Pulla reddy,
R/o. Bhairavunipadu Village, Macherla Mandal, Guntur District.
7 B. Jyothi, W/o. B.V. Subbachari,
R/o. Bhairavunipadu Village, Macherla Mandal, Guntur District.

..... PETITIONERS

AND

1 The Chief Engineer, T.L. & S.S. A.P. TRANSCO,
Erragadda, Hyderabad.
2 The Superintending Engineer, T.L. & S.S. A.P. TRANSCO,
Nalgonda.
3 The Divisional Engineer, E.H. T.L. & S.S. A.P. TRANSCO,
NAGARJUNA SAGAR, 508 203.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any order, direction or Writ more particularly one in the nature of Writ of Mandamus directing the respondents herein to consider the cases of petitioners for appointment to any suitable posts as per their educational qualifications by extending the benefit of employment to the displaced persons whose lands were acquired by the Government for the purpose of construction of Power Projects/Major projects whose lands were acquired for the said purpose as per the scheme and pass such other order or further orders as this Hon'ble

Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.JAGADISH

Counsel for the Respondent Nos.1 to 3: MR.SAMINENI KISHORE

The Court at the admission stage made the following:

ORDER:

The petitioners filed this writ petition, seeking a direction to the respondents to consider their case for appointment to any suitable post by extending the benefit of employment to the displaced persons whose lands were acquired by the Government for the purpose of construction of Power projects/major projects, under the control of the respondent Corporation.

The learned counsel for the petitioner contended that the lands of the petitioners were acquired for the purpose of construction of 400/200 KVA Sub-station at Tallapalli village, Guntur District, and therefore, they come under displaced persons under the respondent Corporation. Hence the case of the petitioners can be considered as per the existing scheme.

On the other hand, the learned Counsel for the respondent vehemently contended that the lands of the petitioners were not acquired for the purpose of construction of major Power Projects, but the same were acquired for the purpose of construction of 400/200 KVA Sub-station, and the petitioners will not come under the scheme framed by the respondent Corporation, and therefore, the question of considering the case of the petitioners for employment does not arise.

The petitioners gave a representation to the respondent Corporation on 29.12.2004 stating that the Government had taken a policy decision to give job opportunities to the depending unemployed persons in the family, whose agricultural lands were acquired and therefore, their case may be considered.

The lands of the petitioners were acquired for the purpose of construction of 400/200 KVA Sub-station at Tallapalli village, which, according to the version of petitioners,

is under the control of the respondent Corporation. But, according to the version of the learned counsel for the respondent, the same were acquired not for any other purpose of Respondent Corporation, and therefore, the question of considering the case of the petitioners, as displaced persons of the lands, cannot be entertained.

The said sub-station is only for the purpose of Respondent Corporation. Whether any scheme is formulated for the purpose of providing employment to the displaced persons, the same has to be considered by the respondents as per the scheme framed or, the other rules for the purpose of providing employment to the displaced persons like the present petitioners. So the representation of the petitioners has to be considered by the respondents herein, as to whether the petitioners are come within the purview of the scheme or not. Therefore, a direction can be given to the respondents to consider the case of the petitioners within a period of 4 (four) weeks from the date of receipt of a copy of this order, as per the scheme, or rules framed there under, for the above said purpose.

With the above observations, the Writ Petition is disposed of. No order as to costs.

Dated: 11.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Chief Engineer,

T.L. & S.S., A.P.TRANSCO,

Erragadda, Hyderabad

2. The Superintending Engineer,

T.L. & S.S., A.P.TRANSCO,

Nalgonda

3. The Divisional Engineer,

E.H.T.L. & S.S.,

A.P.TRANSCO

Nagarjunasagar

4. Two CD copies

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